

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

GRANITE VAPE, LLC, et al.,

Defendants.

CASE NO. C23-0317JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") motion for a 60-day extension of time to perfect service on Defendant Amir Rai. (Mot. (Dkt. # 13).)

The court GRANTS GS Holistic's motion for an extension of time.¹

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

¹ Although the motion is noted for consideration on June 16, 2023 (*see id.*), the court sees no reason to delay issuing a decision on the motion. *See* Fed. R. Civ. P. 1 (authorizing the court to construe the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding").

1 summons and a copy of the complaint and sets forth the specific requirements for doing
 2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
 3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the
 5 court—on motion or on its own after notice to the plaintiff—must dismiss
 6 the action without prejudice against that defendant or order that service be
 made within a specified time. But if the plaintiff shows good cause for the
 failure, the court must extend the time for service for an appropriate period.

7 *Id.*

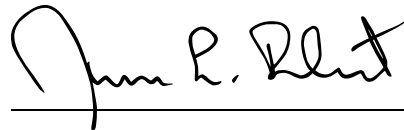
8 GS Holistic filed this action on March 6, 2023. (Compl. (Dkt. # 1).) As a result,
 9 Rule 4(m)’s 90-day deadline for effectuating service of process expired on Monday, June
 10 5, 2023. Fed. R. Civ. P 4(m). GS Holistic represents that its process server successfully
 11 served Defendants Granite Vape, LLC, Brian Snow, Rahn Bruns, and Jonathan Stephani
 12 on April 20 and 28, 2023. (Mot. ¶ 2; *see* Affs. of Service (Dkt. ## 6-8, 11).²) After the
 13 process server unsuccessfully attempted to serve Mr. Rai on two occasions, GS Holistic
 14 provided the process server a new address at which to attempt service. (Mot. ¶¶ 3-4.)
 15 Therefore, GS Holistic asks the court to extend the Rule 4(m) deadline by 60 days to
 16 allow it to perfect service on Mr. Rai “either personally or by publication.” (*Id.* ¶ 5.)

17 Based on the limited information GS Holistic has provided regarding its efforts to
 18 locate and serve Mr. Rai, the court does not find that GS Holistic has demonstrated good
 19 cause for its failure to effectuate service before the Rule 4(m) deadline. Nevertheless, the
 20 court GRANTS GS Holistic’s motion for a 60-day extension of the deadline to perfect

22 ² To date, none of these Defendants have appeared in this action. (*See generally* Dkt.)

1 service (Dkt. # 13).³ GS Holistic shall file proof of service on Mr. Rai by no later than
2 **August 4, 2023**. Failure to do so may result in the dismissal without prejudice of GS
3 Holistic's claims against Mr. Rai. Further extensions of the deadline to serve Mr. Rai
4 will not be granted absent exceptional circumstances.

5 Dated this 7th day of June, 2023.

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8 JAMES L. ROBART
9 United States District Judge
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21 ³ This order does not grant GS Holistic leave to serve Mr. Rai by publication. If GS
22 Holistic seeks to serve Mr. Rai by publication, it must file a motion for leave to do so. *See*
Pascua v. Heil, 108 P.3d 1253, 1257 (Wash. Ct. App. 2005) (explaining the standard for granting
leave to serve a defendant by publication in Washington).